



# Colorado Society of Addiction Medicine

*A Chapter of American Society of Addiction Medicine*

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April 12, 2022

The Honorable Mike Weissman  
Chairman  
House Committee on the Judiciary  
200 E Colfax Avenue  
Denver, CO 80203

## **Re: COSAM's Opposition to Reinstating Felony Penalties for Controlled Substance Possession**

Dear Chairman Weissman:

On behalf of the Colorado Society of Addiction Medicine (COSAM), the medical specialty society representing physicians and clinicians in Colorado specializing in the prevention and treatment of addiction, we write today to express concern with efforts to reinstate felony penalties for simple drug possession in HB22-1326.

Under HB19-1263, simple possession of small amounts (less than 4 grams) of Schedule II controlled substances were classified as a misdemeanor. However, in recent weeks, calls to reverse this standard and reinstate stricter penalties for possession have intensified. We urge lawmakers to maintain the current sentencing structure and resist the pressure to enact harsher criminal penalties.

The strict criminalization of drug possession is an outdated approach which has failed to produce the desired results. Crucially, this approach is ineffective to significantly reduce substance use.<sup>i</sup> Moreover, criminalization is disproportionately harmful towards marginalized communities, such as people of color and individuals of limited means.<sup>ii</sup> Criminalization also inhibits meaningful opportunities for treatment and rehabilitation.<sup>iii</sup> In sum, reversion back to penalizing drug possession is counterproductive to addressing the opioid overdose epidemic.

Instead, we must use this opportunity to fully prioritize evidence-based treatment and harm reduction strategies to reduce the devastation wrought by the proliferation of fentanyl in our communities. We applaud extant efforts by this legislature to expand access to Food and Drug Administration (FDA) medications for addiction treatment (MAT) including methadone, buprenorphine, and naltrexone and urge for continued expansion. In line with this goal, HB22-1326 contains provisions to ensure that individuals released from correctional facilities continue receiving these FDA-approved medications to treat opioid use disorder.

We also support harm reduction strategies to prevent overdose and save lives including enhanced availability of naloxone and fentanyl test strips, both of which are included in the provisions of HB22-1326. This is especially urgent given recent overdoses among persons not intending to use opioids, who may be inadvertently exposed to fentanyl.<sup>iv</sup> These deaths could

potentially be avoided if persons that use substances are able to check for fentanyl and/or reverse an opioid overdose with naloxone.

We greatly appreciate the opportunity to comment on this important issue. If you have any questions or would like to discuss these concerns further, please do not hesitate to contact me at [Joshua.Blum@dhha.org](mailto:Joshua.Blum@dhha.org). Thank you.

Sincerely,



Joshua Blum, MD, FASAM  
President, Colorado Society of Addiction Medicine

CC: The Honorable Kerry Tipper  
The Honorable Jennifer Bacon  
The Honorable Adrienne Benavidez  
The Honorable Rod Bockenfeld  
The Honorable Terri Carver  
The Honorable Lindsey Daugherty  
The Honorable Stephanie Luck  
The Honorable Mike Lynch  
The Honorable Dylan Roberts  
The Honorable Steven Woodrow

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<sup>i</sup> Werb D. (2018). Post-war prevention: Emerging frameworks to prevent drug use after the War on Drugs. *The International Journal on Drug Policy*, 51, 160–164. <https://doi.org/10.1016/j.drugpo.2017.06.012>

<sup>ii</sup> Rosenberg, A., Groves, A. K., & Blankenship, K. M. (2017). Comparing Black and White Drug Offenders: Implications for Racial Disparities in Criminal Justice and Reentry Policy and Programming. *Journal of Drug Issues*, 47(1), 132–142. <https://doi.org/10.1177/0022042616678614>

<sup>iii</sup> Ahern, J., Stuber, J., & Galea, S. (2007). Stigma, discrimination and the health of Illicit Drug Users. *Drug and Alcohol Dependence*, 88(2-3), 188–196. <https://doi.org/10.1016/j.drugalcdep.2006.10.014>

<sup>iv</sup> McKinley, C. (2022). Commerce City fentanyl deaths believed to be the most lethal single such event in U.S. *The Denver Gazette*. [https://denvergazette.com/premium/commerce-city-fentanyl-deaths-believed-to-be-the-most-lethal-single-such-event-in-u/article\\_ebe1051e-968f-11ec-ad97-8b901e8ba231.html#:~:text=The%20shocking%20fentanyl%20overdose%20deaths,one%20place%20at%20one%20time.](https://denvergazette.com/premium/commerce-city-fentanyl-deaths-believed-to-be-the-most-lethal-single-such-event-in-u/article_ebe1051e-968f-11ec-ad97-8b901e8ba231.html#:~:text=The%20shocking%20fentanyl%20overdose%20deaths,one%20place%20at%20one%20time.)